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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,717	02/11/2002	Dean M. Willard	PIA-10302/04	5678

7590 10-04/2004

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EXAMINER

CROSS. LATOYA I

ART UNIT	PAPER NUMBER
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1743

DATE MAILED: 10/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/073,717

Applicant(s)

WILLARD ET AL.

Examiner

LaToya I. Cross

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 7, 8, 10 and 11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9 and 12-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 16, 2004 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 1-6, 9 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laipply in view of US Patent 3,998,654 to Falass et al.

Laipply discloses an applicator wipe for fluids. The wipe is a pad (11) of absorbent material, which may be natural or synthetic. Gauze material (spongy) may be suitable. The pad is saturated with a liquid chemical reactant, such as substances used for sterilizing or cleaning (col. 1, lines 15-23). The pad is packaged in a pack (12) formed of metal foil. The package is impervious to external contaminants and impermeable to the fluid contained therein (col. 7, lines 20-24). The package contains a temporary seal formed around the perimeter of the

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dévice (col. 2, lines 32-34). Flanges facilitate the opening of the package without tearing the pad inside (col. 8, lines 14-18; col. 14, lines 4-16). Laipply also teaches that the package material may be of the type to allow the absorbent pad to be directly attached to it (col. 9, lines 8-37).

Laipply differs from the instantly claimed invention in that there is no disclosure of the particular chemical reactants claimed by Applicants being incorporated into the applicator wipe.

Falaas et al teach adhesive removing substances. In particular, Falaas et al teach that metal salts, such as copper octoate and copper naphthanate are useful in detackifying and removing adhesive substances. See col. 3, lines 32-42. Copper octoate and coper naphthanate are considered to be chemical reactants, which fall within the bounds of those recited by Applicants, because of their ability to prepare a surface for further treatment (i.e. prime the surface). The adhesive removing substances are applied to a surface and removed from the surface with a cleaning tool, such as pads or cloths (col. 4, lines 3-14).

It would have been obvious to one of ordinary skill in the art to incorporate the detackifying substances of Falaas et al into the applicator wipes of Laipply because 1) Laipply teaches that the applicators are suitable for applying cleaning agents and stain removers to surfaces where the cleaning agents are preserved in a package and 2) incorporating cleaners such as those disclosed by Falaas et al would allow the cleaner to be applied to a surface and used in a safe, yet effective manner, whereby the user will not come into direct contact with the chemicals. Further, incorporating the cleaner into a wipe provides a one-step mechanism for cleaning a surface, where bottles of cleaner and separate cloths would no longer be necessary.

*Response to Arguments*

5. Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. The Examiner would like address Applicants' concerns, however. Applicants argued that Laipply fails to teach delivering an anaerobic polymerization reaction chemical by means of an applicator wipe. The Examiner recognized such deficiency in Laipply. Laipply does, however, teach that the applicator wipe can be used to apply various substances to a surface, including cleaning agents, anti-septic agents, sterilants, etc. The chemicals recited by Applicants' (organo metallics and metal salt complexes) are known in the art as being cleaning agents. Thus, it is the position of the Examiner that there exists motivation in Laipply to incorporate any cleaning agent into the applicator wipe to allow the cleaner to be applied to a surface without contacting the user and where the cleaning agents are preserved in a sealed package.

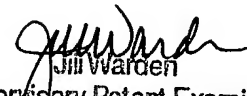
Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaToya I. Cross whose telephone number is 571-272-1256. The examiner can normally be reached on Monday-Friday 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on 571-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Jill Varden  
Supervisory Patent Examiner  
Technology Center 1700